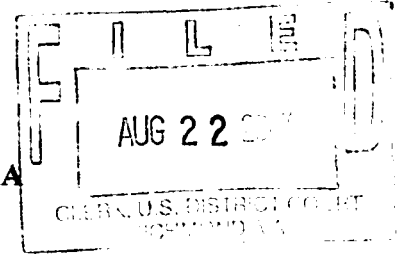


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JOHN MIDGETT,

Plaintiff

v.

CIVIL NO. 3:07cv500

SHARON N. HORNER & ASSOCIATES, PLC.

SERVE: Sharon N. Horner, Registered Agent
8401 Patterson Avenue, Suite 202
Richmond, Virginia 23229

Defendant

COMPLAINT

COMES NOW the plaintiff, JOHN MIDGETT, by counsel and as for his Complaint against the defendant, alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for actual, statutory and punitive damages, costs and attorney's fees brought pursuant to 15 U.S.C. § 1681 et seq. (the Federal Fair Credit Reporting Act or "FCRA"),.

JURISDICTION

2. This Court has jurisdiction pursuant to 15 U.S.C. § 1681(p). Venue is proper as Defendant resides within the Eastern District of Virginia, Richmond Division.

PARTIES

3. The plaintiff is a natural person and resident of the Commonwealth of Virginia. He is a "consumer" as defined by the FCRA.

4. Defendant Sharon N. Horner & Associates, PLC. ("Horner") is a professional liability company doing business in Virginia.

STATEMENT OF FACTS

5. At all times relevant hereto, Defendant was acting as a "debt collector" as defined by the FDCPA.

6. In or about May, 2006 and on at least one other occasion, the Defendant obtained and used the Plaintiff's consumer report without a permissible purpose to do so.

7. When the Defendant impermissibly used the Plaintiff's consumer report, she also misrepresented to the consumer reporting agency the reason and purpose for her access to and use of the report.

8. On or about May 11, 2006, Equifax reported to Plaintiff that Defendant was furnished a copy of his report for employment purposes, however, Plaintiff never applied for employment with Defendant.

COUNT ONE - Violation of FCRA, 15 U.S.C. §1681b(f)

9. Plaintiff reiterates and incorporates the allegations contained in paragraphs 1 through 8 above as if fully set out herein.

10. Defendant violated the FCRA, 15 U.S.C. §1681b(f) by obtaining and using the Plaintiff's consumer report without a permissible purpose to do so.

11. As a result of Horner's conduct, actions and inaction, the plaintiff suffered damages, including mental and emotional pain and anguish and humiliation and embarrassment.

12. Horner's conduct, actions and inaction were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. §1681. In the alternative, it was negligent, entitling the plaintiff to recover under 15 U.S.C. §1681o.

13. The plaintiff is entitled to recover actual damages, statutory damages, costs and his attorney's fees from Horner in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n and/or 15 U.S.C. §1681o.

COUNT TWO - Violation of FCRA, 15 U.S.C. §1681n

14. Plaintiff realleges and reincorporates paragraphs 1 through 13 above as if fully set out herein.

15. Defendant violated the Fair Credit Reporting Act, 15 U.S.C. §1681n on one or more occasions by misrepresenting to Equifax the purpose for which it was requesting the Plaintiff's consumer report.

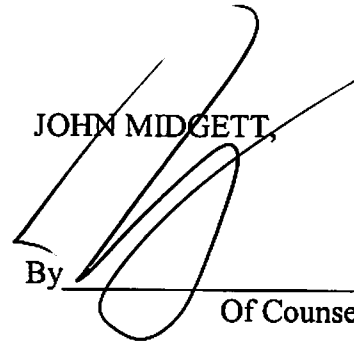
16. As a result of Horner's conduct, actions and inaction, the plaintiff suffered damages, including mental and emotional pain and anguish and humiliation and embarrassment.

17. Horner's conduct, actions and inaction were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. §1681. In the alternative, it was negligent, entitling the plaintiff to recover under 15 U.S.C. §1681o.

18. The plaintiff is entitled to recover actual damages, statutory damages, costs and his attorney's fees from Horner in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n and/or 15 U.S.C. §1681o.

WHEREFORE, Your plaintiff demands judgment for compensatory, statutory and punitive damages against the defendants; for injunctive and declaratory relief; for his attorneys fees and costs; for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court does deem just, equitable and proper.

TRIAL BY JURY IS DEMANDED.

JOHN MIDGETT,
By  _____
Of Counsel

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